REMARKS

Claims 2-6 are pending and at issue.

Claim 2 has been amended as suggested by the Examiner in objection 1 to overcome the objection.

The objection to claims 2, 3 and 12 based upon an asserted inconsistency between the preamble and portions of the body is respectfully traversed. As an initial matter, it should be noted that there was absolutely no inconsistency found in this language in the two prior Office Actions. *See* MPEP §706.04 stating that "full faith and credit should be given to the research and action of a previous Examiner unless there is a clear error in the previous action or knowledge of other prior art. In general, an Examiner should not take an entirely new approach or attempt to reorient the point of view of a previous Examiner, or make a new search in the mere hope of finding something." It is respectfully submitted that the previous Examiner did not make a clear error such that full faith and credit should not be given to the prior actions which found no inconsistency in the objected language. Furthermore, it is not inconsistent for a claim to be directed towards a subcombination (a crown molding member) and to describe the structure of the subcombination in the context of how it would work in a combination. In this regard, the language objected to in the Office Action is always clarified with the words "when the crown molding member is installed in a first mode" or "when the crown molding member is installed in a second mode". This language makes clear that it is crown molding member that is being claimed and that the ceiling or vertical wall structure is referenced to provide a context for the claimed structure. In view of the foregoing, it is respectfully submitted that the objection

should be withdrawn because there is no inconsistency in the language and the claim is clearly directed to the subcombination, a crown molding member.

The rejection of claim 2 (previously indicated to be allowable, *see* MPEP §706.04) and claim 7 as anticipated by Schiedegger et al (6,212,835) is traversed. Independent claim 2 is directed towards a crown molding member, which is useful to trim a corner defined where a vertical wall and a horizontal ceiling meet. The molding member shown in Figs. 7 and 7A of Schiedegger et al is not such a crown molding member and is intended for use with a flat surface, not for use to trim a corner. Accordingly, for this reason alone, the rejection is improper and should be withdrawn. Furthermore, the structure of Figs. 7 and 7A cannot be utilized to trim a corner defined by a vertical wall and a horizontal ceiling because of the way its member 20 is assembled with its member 36. More specifically, the element 78 must be pushed into the channel 42 moving from right to left in Fig. 7, which movement could not be done while having the planar portion (80) extend along a horizontal ceiling along a vertical wall because clearance is required for the assembly procedure. Accordingly, for this additional reason, the rejection of claims 2 and 7 is improper and should be withdrawn. Furthermore, the rejection asserts that flange (74) of Schiedegger et al is a mounting flange, when in fact the flange 74 is a decorative flange that does not act as a mounting flange. Rather, it is the members 76 and 78 in combination with the members 42 that act to mount the molding 20 to the wall. Accordingly, for this additional reason, the rejection of claims 2 and 7 is improper and should be withdrawn.

The rejection of claims 4-6 and 8-11 as unpatentable over Schiedegger et al in view of Keesee (3,201,910) is respectfully traversed. Claims 4-6 and 8-11 depend from claims 2 and/or 7 and are allowable for the reasons discussed above in connection with the rejection of claims 2 and 7 as anticipated by Schiedegger et al. Additionally, a proposed modification cannot render the prior art unsatisfactory for its intended purpose (*see* MPEP 2143.01) and a proposed modification cannot change the principle of operation of a reference (*see* MPEP 2143.01 vi). In this case, the flange 74 of Schiedegger et al is decorative and not intended as a mounting flange. Indeed, Schiedegger et al is very expressly directed towards a molding that provides "a decorative and aesthetically pleasing appearance, while hiding the fasteners that attach the molding to the support structure," (column 2, lines 3-5) and which can be "securely, yet releasably held to the structure, while reducing the use of nails, threaded fasteners or like fastening elements." (column 2, lines 15-37). The proposed modification to add apertures (19) such as taught by Keesee to the flange 74 of Schiedegger et al in order to more securely attach the molding (20) of Schiedegger et al is completely contrary to the express objects of Schiedegger et al and its principle of operation because Schiedegger et al operates using a releasable connection and doesn't want exposed fasteners. Accordingly, for this additional reason, the rejection is improper and should be withdrawn. It follows from the foregoing, that one skilled in the art also would not modify Schiedegger et al by utilizing drywall-finishing material, as suggested in the rejection of claim 5 because to do so would defeat the releasable connection of Schiedegger et al and again produce an exposed fastener in the form of the drywall-finishing material, again contrary to the express purpose

of Schiedegger et al. For this additional reason, the rejection of claim 5 and the claims that depend therefrom is improper and should be withdrawn.

The rejection of claim 12 as anticipated by Soyka, Jr. et al is respectfully traversed. As an initial matter, the undersigned wishes to thank the Examiner for attempting to clarify by stating that in the first mode, the molding in Sokya, Jr. et al can be rotated 90 degrees clockwise when opened as in Fig. 2 and placed on a suspension ceiling with panels and against a vertical wall, and in the second mode, when opened as in Fig. 2 and rotated 90 degrees, the molding can be placed against a vertical wall in-between two ceiling sections of different heights". However, the undersigned simply cannot visualize what is being asserted in this clarification and would again expressly request that the Examiner provide a figure illustrating the clarification of this Office Action and showing how the molding member of Soyka, Jr. et al can be mounted so that its structure meets the structural recitations in claim 12. Claim 12 recites a planar portion which extends along the horizontal ceiling when the crown molding member is installed in the first mode and extends along a vertical wall when the crown molding member is installed in the second mode, and a mounting flange which extends along the vertical wall when the crown molding member is installed in the first mode and which extends along the horizontal ceiling when the crown molding member is installed in the second mode. While the planar portion 22 of Soyka, Jr. et al can extend along a horizontal ceiling in a first mode and vertical wall in the second mode, as recited in claim 12, there is nothing in Sokya, Jr. et al equivalent to the mounting flange recited in claim 12 that extends along the vertical wall in the first mode and extends the horizontal ceiling in the second mode. In this regard, it

is noted that the Office Action asserts the structure (28) is equivalent to the mounting flange recited in the claims. However, it can be seen that the structure 28 cannot be placed against one of the walls of a corner structure (vertical or horizontal) while the member 22 is placed against the other wall of the corner structure (horizontal or vertical). Again, one has only to draw a corner of a wall structure into Fig. 2 to see the impossibility that the feature 28 is a mounting flange as recited in the claims. In addition to the foregoing, the rejection is proposing that Soyka, Jr. et al would be used as a crown molding member in the open position shown in Fig. 2, but that is simply incorrect. Soyka, Jr. et al does not serve a decorative molding function unless it is closed as shown in Fig. 3. This is evident from Fig. 1 and the written description of Soyka, Jr. et al. Accordingly, for this additional reason, the rejection based on Soyka, Jr. et al is improper and should be withdrawn. Furthermore, claim 12 is directed towards a crown molding member, while Sokya, Jr. et al is clearly not a crown molding member. For this additional reason, the rejection based on Sokya, Jr. et al is improper and should be withdrawn. Moreover, Soyka, Jr. et al is intended strictly for use with a flat surface, not for use in a corner. For this additional reason, the rejection based on Soyka, Jr. et al is improper and should be withdrawn.

The rejection of claims 13 and 14 as unpatentable over Sokya, Jr. et al in view of Schiedegger et al is traversed for the reasons stated above with respect to their base claim, claim 12.

Claim 14 is indicated to be allowable, yet at the same time has been rejected based on Soyka, Jr. et al in view of Schiedegger et al. Clarification is respectfully requested.

Claim 16 indicated to be allowable if rewritten in independent form has not been so amended because it is believed the base claim is allowable.

Claim 3 has been indicated to be allowable if rewritten or amended to overcome the objection. However, as noted above, it is believed the objection is improper. Accordingly, claim 3 has not been so amended. While it is believed the objection is improper, if claim 3 is again objected to, any suggestion that the Examiner may have in order to overcome the objection would be greatly appreciated.

In view of the foregoing, reconsideration of the objections to claims 3, 14 and 16, and the rejections of claims 2, 4-13 and 15 is respectfully requested.

Respectfully submitted,

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